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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08CR**358**

UNITED STATES OF AMERICA)

No.

v.)

Violations: Title 18, United States

ANTOINE MITCHELL)

Code, Section 1344

JUDGE MORAN**COUNT ONE**

The SPECIAL FEBRUARY 2008-1 GRAND JURY charges:

**MAGISTRATE JUDGE
GERALDINE SOAT BROWN**

1. At times material to this indictment:

a. Midwest Mortgage and Financial Services, Inc. (MMFS), located at 600 Holiday Plaza Drive, Suite 500, Matteson, in the Northern District of Illinois, was in the mortgage loan business and served as an intermediary between borrowers and lenders for the purpose of loan origination. After real estate closings between the borrowers and lenders, MMFS would collect fees, such as loan origination and processing fees, from various title companies. These fees would be paid from checking or escrow accounts of the various title companies. Individual A was the sole owner of MMFS.

b. Kensica MortgageBanc (Kensica), also located at 600 Holiday Plaza Drive, Suite 500, Matteson, in the Northern District of Illinois, was a mortgage banking firm. Kensica originated, sold, and serviced mortgages in the secondary mortgage market. After real estate closings, Kensica would collect funds, such as underwriting fees and prepaid interest, from various title companies. Individual A was also the sole owner of Kensica.

c. Defendant Antoine Mitchell was employed jointly by MMFS and

Kensica from approximately March 9, 2003, to June 2005, and again from approximately September 12, 2005 to November 11, 2005. Defendant served as a Loan Officer for MMFS and an Account Manager for Kensica. For his employment, defendant would receive salary and commission checks directly from MMFS and Kensica. Defendant was not authorized to cash or deposit checks written to MMFS and/or Kensica.

d. Fifth Third Bank, OBA Federal Savings Bank, Peoples Bank, LaSalle Bank, Great Lakes Bank of Choice, and Bank One, now known as Chase Bank, (hereinafter the "Victim Banks") were financial institutions with offices located and conducting business in the Northern District of Illinois, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC").

e. AmeriTitle, Inc. was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 20550 Lagrange Road, Suite 1-NE, Frankfort, in the Northern District of Illinois. AmeriTitle had a business checking account at Fifth Third Bank which was used to disburse payments to mortgage loan businesses.

f. Residential Title Services was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 1910 S. Highland Avenue, Suite 202, Lombard, in the Northern District of Illinois. Residential Title Services had a business checking account at Fifth Third Bank, which was used to disburse payments to mortgage loan businesses.

g. Professionals Title & Escrow Company was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 245 Shady Grove Road, Suite 455, Rockville, Maryland. Professionals Title & Escrow Company had a business checking account at OBA Federal Savings Bank which was used to disburse payments to mortgage loan businesses.

h. Professional National Title Network, Inc. was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at Three First National Plaza, Suite 1600, Chicago, in the Northern District of Illinois. Professional National Title Network, Inc. had a business checking account at Fifth Third Bank, which was used to disburse payments to mortgage loan businesses.

i. Community Title Company was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 3670 W. 80th Lane, Merrillville, Indiana. Community Title Company had a business checking account at Peoples Bank, which was used to disburse payments to mortgage loan businesses.

j. Greater Illinois Title Company was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 5158 N. Milwaukee Avenue, Chicago, in the Northern District of Illinois. Greater Illinois Title Company had a business checking account at LaSalle Bank, which was used to disburse payments to mortgage loan businesses.

k. Title One, Inc. was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 925 W. 175th Street, Homewood, in the Northern District of Illinois. Title One, Inc. had a business checking account at Great Lakes Bank of Choice, which was used to disburse payments to mortgage loan businesses.

l. Stewart Title Company of Illinois was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with a location at 7240 Argus Drive, Rockford, in the Northern District of Illinois. Stewart Title Company of Illinois had a business checking account at Bank One, which was used to disburse payments to mortgage loan businesses.

m. Chicago Title & Trust Company was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with locations at 171 N. Clark, Chicago, and 15255 S. 94th Avenue, Suite 604, Orland Park, both locations being in the Northern District of Illinois. Chicago Title & Trust Company had business checking accounts at Bank One and LaSalle Bank, which were used to disburse payments to mortgage loan businesses.

n. First American Title Insurance Company was a title company engaged in the business of real estate settlements and closings, title insurance and escrow services, with locations at 16325 S. Harlem Avenue, Suite 2NW, Tinley Park; 1358 E. 47th Street, Chicago; 7831 W. 95th Street, Hickory Hills; 2355 S. Arlington Heights Road, Suite 100,

Arlington Heights; and 7235 Enterprise Drive, Suite 3304, Westchester; all locations being in the Northern District of Illinois. First American Title Insurance Company had business checking accounts at Bank One, which were used to disburse payments to mortgage loan businesses.

o. The Richton Park Currency Exchange (RPCE), located at 3720 Sauk Trail Road, Richton Park, in the Northern District of Illinois, would, among other things, cash checks for its registered customers. Defendant Antoine Mitchell registered as an RPCE customer on January 10, 2003, and frequently cashed checks at RPCE.

2. Beginning on or about December 2004, and continuing through on or about November 14, 2005, at Richton Park, in the Northern District of Illinois, Eastern Division,

ANTOINE MITCHELL,

defendant herein, knowingly devised and participated in a scheme to defraud a financial institution and to obtain money and funds owned by and under the custody and control of the Victim Banks, by means of materially false and fraudulent pretenses, and representations, which scheme is further described in the following paragraphs.

3. It was part of the scheme that defendant MITCHELL devised and participated in a scheme to defraud the Victim Banks, by fraudulently obtaining checks made payable to MMFS and/or Kensica drawn on the Victim Bank accounts of AmeriTitle, Inc., Residential Title Services, Professionals Title & Escrow Company, Professional National Title Network, Inc., Community Title Company, Greater Illinois Title Company, Title One, Inc., Stewart

Title Company of Illinois, Chicago Title & Trust Company and First American Title Insurance Company ("Title Companies").

4. It was further part of the scheme that for the purpose of fraudulently representing that he had authority to negotiate the title company checks on behalf of MMFS and Kensica, MITCHELL endorsed the back of these title company checks with his own name and, at times, forged an endorsement in names that were variations of MMFS and Kensica, including but not limited to "Mid West Mtg.," "Kensica Mtg Banc" and "Kensic Mtg Banc Inc."

5. It was further part of the scheme that MITCHELL presented, caused to be presented and cashed these checks at RPCE, even though MITCHELL was not authorized to do so. In so doing, MITCHELL knowingly caused these checks to be further presented by RPCE for payment at the corresponding Victim Bank accounts of the Title Companies.

6. As a result of the scheme described above, defendant ANTOINE MITCHELL wrongfully cashed and converted to his personal use approximately 22 checks issued and payable to MMFS and Kensica and thereby fraudulently obtained a total of approximately \$67,635.30 in funds due to MMFS and Kensica.

7. It was further part of the scheme that defendant did misrepresent, conceal, and hide, and cause to be misrepresented, concealed, and hidden, the true purposes of the acts done in furtherance of the scheme.

8. On or about November 14, 2005, at Richton Park, in the Northern District of Illinois, Eastern Division,

ANTOINE MITCHELL,

defendant herein, knowingly executed and attempted to execute the above-described scheme to defraud and obtain money, by unlawfully and without authorization endorsing and cashing a check in the amount of \$1,434.46, made payable to Kensica MortgageBanc, Inc., drawn on the Special Funding Escrow Account of Professional National Title Network, Inc. at Fifth Third Bank;

In violation of Title 18, United States Code, Section 1344.

COUNT TWO

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

1. The allegations contained in paragraphs 1 through 7 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. On or about November 14, 2005, at Richton Park, in the Northern District of Illinois, Eastern Division,

ANTOINE MITCHELL,

defendant herein, knowingly executed and attempted to execute the above-described scheme to defraud and obtain money, by unlawfully and without authorization, endorsing and cashing a check in the amount of \$1,031.20, made payable to Kensica MortgageBanc, Inc., drawn on the Special Funding Escrow Account of Professional National Title Network, Inc. at Fifth Third Bank;

In violation of Title 18, United States Code, Section 1344.

COUNT THREE

The SPECIAL FEBRUARY 2008-1 GRAND JURY further charges:

1. The allegations contained in paragraphs 1 through 7 of Count One of this indictment are realleged and incorporated as if fully set forth herein.

2. On or about February 28, 2005, at Richton Park, in the Northern District of Illinois, Eastern Division,

ANTOINE MITCHELL,

defendant herein, knowingly executed and attempted to execute the above-described scheme to defraud and obtain money, by unlawfully and without authorization endorsing and cashing a check in the amount of \$1,168.00, made payable to Midwest Mortgage, drawn on an account of Stewart Title Company of Illinois at Bank One, N.A.;

In violation of Title 18, United States Code, Section 1344.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY